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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220

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EXAMINER

PARSLEY, DAVID J

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,519

Applicant(s)

LARSON ET AL.

Examiner

David J Parsley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 33-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-31-03</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Election/Restrictions

1. During a telephone conversation with John Bain on 1-3-05 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 33-36 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 7, 9-12, 14-16, 18-21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,839,980 to Hersom.

Referring to claims 1 and 19, Hersom discloses a light adapted to be used with a fish landing net comprising, at least one LED – see column 3 lines 1-6, a base member – at 24-28, structured to hold the LED and a switch – at 40-50, for connecting or disconnecting a circuit to

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the LED – see for example figure 2, wherein the base member is attachable to the fish landing net – at 12-14.

Referring to claim 2, Hersom discloses a rotatable member – at 44, mounted on the base member – see figure 1, the connecting or disconnecting a circuit to the LED being effected by rotating of the rotatable member – see for example figures 1-2 and column 3 lines 27-38.

Referring to claim 4, Hersom discloses the circuit comprises a battery – at 46, a voltage from the battery being connected or disconnected to the LED by a rotation of the rotatable member – at 44 – see for example figures 1-2 and column 3 lines 27-38.

Referring to claim 5, Hersom discloses the base member includes a first contact – see figures 1-2 proximate 40, and the rotatable member includes a second contact – see for example figures 1-2, the first and second contacts being engaged with one another in a connecting position of the rotatable member and being disengaged with one another in a disconnecting position of the rotatable member – see for example figures 1-2 and column 3 lines 27-38.

Referring to claim 7, Hersom discloses a fish landing net having a handle – at 16, the base member – at 24-28, is formed to be fitted inside an end of the handle – see for example figure 1.

Referring to claim 9, Hersom discloses a fish landing net having a frame – at 12, for securing a web – at 14, the base member is formed to be attachable to the frame – see at 16 in figure 1.

Referring to claim 10, Hersom discloses a lens disposed on a distal end of the base housing – at 24-28 – see at 30,36 in figure 1, wherein the base housing includes at least one battery contact – proximate 46, on an inner surface of the base housing – see for example figures

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1-2, the at least one light-emitting diode being disposed in the base housing and positioned for emitting light through the lens – see for example figures 1-2 and column 3 lines 27-56.

Referring to claim 11, Hersom discloses the lens is formed to direct the emitting light – see for example figures 1-2.

Referring to claim 12, Hersom discloses a battery – at 46.

Referring to claim 14, Hersom discloses a brightness of the LED is set to a level of non-disturbance of the fish – see for example figures 1-2 and column 3 lines 1-56.

Referring to claim 15, Hersom discloses the switch has a plurality of switch positions for switching the light to a corresponding plurality of brightness levels – see at 40,44 and column 3 lines 1-56, the light further comprising an illumination level control member – at 40 or 44, structured to change brightness of the light according to the switch positions – see for example figures 1-2 and column 3 lines 1-56.

Referring to claim 16, Hersom discloses a watertight seal for an interior portion of the base housing – see for example proximate 44 in figure 1.

Referring to claim 18, Hersom discloses the switch is disposed locally to the base member – see for example at 40 and 44 in figure 2.

Referring to claim 20, Hersom discloses a fish landing apparatus comprising, a net structure – at 12-14, for landing fish and having an electric powered illuminator – at 30,36, and a switch – at 40,44, disposed locally to the illuminator.

Referring to claim 21, Hersom discloses the net structure includes a handle member – at 16 or 24-28, and the illuminator is inserted in a distal end of the handle member – see for example figure 1.

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Referring to claim 23, Hersom discloses a frame – at 12, for holding a web – at 14, and the illuminator is adapted to be attachable to the frame – see for example figure 1.

Claims 31-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,260,302 to Blaschke.

Referring to claim 31, Blaschke discloses a fish landing net apparatus comprising, a collapsible net for landing fish – see at 10-26, the collapsible net including a handle member – at 20-34, and an electric powered illuminator – at 70-76, disposed in a distal end of the handle member – see for example proximate 74 in figure 8.

Referring to claim 32, Blaschke discloses the collapsible net comprises two hinged frame members – see at 12a and/or 12a' in figures 1-8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claim 2 above. Hersom does not disclose the rotatable member is a transparent cover. However, it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotatable member being transparent, so as to allow for the user to see the components located in the interior of the rotatable member.

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Claims 6, 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claims 2 or 20 above, and further in view of U.S. Patent No. 3,077,693 to Wallin.

Referring to claim 6, Hersom further discloses the base housing has a light-emitting end with an annular groove – see for example at 36 in figure 1. Hersom does not disclose the rotatable member has an annular ridge structured to fit within the annular groove. Wallin does disclose the rotatable member – at 11-12, has an annular ridge – see figure 4, structured to fit within the annular groove – see for example at 12 in figure 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotatable member fitted in the annular groove of Wallin, so as to allow for the rotatable member to be removable from the base member.

Referring to claims 8 and 22, Hersom further discloses the landing net has a handle – at 16. Hersom does not disclose the base member is fitted around an end of the handle. Wallin does disclose the base member – at 7-9, is fitted around an end of the handle – at 27 – see for example figures 1-4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the base member fitted around the handle of Wallin, so as to securely hold the base member to the handle.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claim 12 above, and further in view of U.S. Patent No. 4,922,643 to Everett. Hersom does not disclose the battery is disc-shaped. Everett does disclose the battery – at 19 is disc-shaped – see for example column 2 lines 52-64. Therefore it would have been obvious to one of

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ordinary skill in the art to take device of Hersom and add the disc-shaped battery of Everett, so as to allow for the device to be made more compact.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claim 1 above, and further in view of U.S. Patent No. 4,809,458 to Tanikuro et al. Hersom does not disclose the LED comprises a disc-shaped cartridge. Tanikuro et al. discloses the LED – at 8, comprises a disc-shaped cartridge – see for example figures 1-12. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the disc-shaped LED of Tanikuro et al., so as to allow for the device to be made compact and lightweight.

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as applied to claim 20 above, and further in view of U.S. Patent No. 6,000,808 to Hansen.

Referring to claim 24, Hersom does not disclose the structure comprises at least one frame member having a surface opposed to the illuminator and having disposed on the surface at least one of reflective tape and reflective coating. Hansen does disclose the structure comprises at least one frame member having a surface opposed to the illuminator – at 121, and having disposed on the surface at least one reflective tape and reflective coating – at 18 or 127 – see for example column 4 lines 15-31. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the reflective tape or reflective coating of Hansen, so as to make the device more visible to the user.

Referring to claim 25, Hersom as modified by Hansen does not disclose the reflective tape or reflective coating contains fluorescent pigment. However, it would have been obvious to one of ordinary skill in the art to take the device of Hersom as modified by Hansen and add the

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reflective tape or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 26, Hersom as modified by Hansen further discloses an optical filter – at 107,126,127, for filtering light emitted by an excitation of the fluorescent pigment – see for example figures 1-4 of Hansen.

Referring to claim 27, Hersom as modified by Hansen further discloses the at least one of reflective tap and reflective coating contains pigment replicating a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 28, Hersom as modified by Hansen further discloses the at least one reflective tape or reflective coating contains a pigment that replicates a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 29, Hersom as modified by Hansen further discloses has a spatial arrangement comprising one of two-dimensional and three-dimensional – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 30, Hersom as modified by Hansen further discloses a light beam shaper – proximate 127, for focusing a light beam emitted from the illuminator on the at least one of reflective tap and reflective coating – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Conclusion

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to lighted fishing nets in general:

U.S. Pat. No. 1,836,034 to Luchansky – shows light apparatus

U.S. Pat. No. 2,358,576 to Jackell – shows light apparatus

U.S. Pat. No. 2,420,087 to Meek – shows net with light apparatus

U.S. Pat. No. 2,791,676 to Cote – shows net with light apparatus

U.S. Pat. No. 6,405,475 to Wallace et al. – shows light apparatus

GB Pat. No. 2161051 – shows light apparatus

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

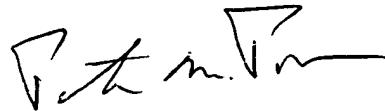
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

3/17/05